HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6356 OF 2005.

Balkrishna Mahadev Patil and others. ..Petitioners.

Versus.

Sangli-Miraj-Kupwad
Municipal Corporation,
Sangli and Anr. ..Respondents.

Shri. Ashutosh M. Kulkarni for the Petitioners.

Shri. N. V. Walawalkar for the respondent No.1.

Shri. D. A. Patil for respondent no.2.

CORAM: S.B.MHASE, J.

DATE : MARCH 29, 2006.

P.C.

1. Heard both sides.

2. Petitioners are the plaintiffs in Regular Civil Suit No. 256 of 1998. They filed the suit for declaration and injunction as against the respondent No.1- Corporation. An interim relief application was filed in the said suit at Exhibit 5. The IInd Joint Civil Judge, Senior Division, Sangli by an order dated September 28, 1998 rejected the said application. Being aggrieved by the said order, Miscellaneous Civil Appeal was preferred by

the petitioners. That appeal was dismissed by a judgment and order dated February 25, 2005 by the Additional District Judge, Sangli. Present petition is directed as against these orders.

3. Shri. N. V. Walawalkar, learned senior counsel appearing on behalf of the respondent No.1-Corporation submits that the road which the Corporation desires to undertake, is a development plan road, known as the "Panchmukhi Maruti Road" and some portion of the properties of the petitioners herein are required for the road widening. Now, learned senior counsel Shri. N. V. Walawalkar makes a statement that the petitioners will not be dispossessed from the respective portions of their properties unless and untill the respondent No.1 - Corporation negotiates with the petitioners and the agreement is arrived at between the Corporation and the petitioners as contemplated under section 126 of the Maharashtra Regional and Town Planning Act, 1966. He further makes a statement that compensation by agreement will be given to the petitioners and/or additional Floor Space Index will be offered to the petitioners in lieu of compensation. He further makes a statement that if by such agreement lands cannot be acquired by the

Corporation, the Corporation will proceed to acquire the land by following the procedure as laid down under Section 126 of the MRTP Act and unless and untill the possession is obtained by following the procedure as provided under the law, the petitioners will not be dispossessed.

4. In view of these categorical statements made by the learned counsel for the respondent no.1-Corporation, nothing survives in the petition. The petition is accordingly disposed of.

(S.B.MHASE, J.)